

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HENNESSY INDUSTRIES, INC., :
 :
Plaintiff, : CIVIL ACTION NO. 06-cv-01484-DWA
 :
v. :
 :
BANK OF AMERICA, N.A., :
 :
Defendant. :
 :

BANK OF AMERICA, N.A., :
 :
Defendant and Third-Party Plaintiff, :
 :
v. :
 :
INDIANA FIRST SAVINGS BANK, :
 :
Third-Party Defendant. :

STIPULATION OF DISMISSAL WITH PREJUDICE

The parties, by their undersigned counsel, pursuant to F.R.C.P. Rule 41(a)(1)(ii), hereby stipulate and agree that the captioned litigation, including the Complaint filed by Hennessy Industries, Inc. against Bank of America, N.A., and the Third-Party Complaint filed by Bank of America against Indiana First Savings Bank, shall be dismissed, with prejudice.

Respectfully submitted,

/s/ Patrick K. Cavanaugh

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4/30/07

It is so ordered

Monetta G. Ambrose